

Remarks

Reconsideration and allowance are requested in view of the above amendments and the remarks below. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application.

Claims 1, 3-4, 6-8 and 10-11 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter. Applicants respectfully disagree.

Independent claims 1, 4, 8, and 11 are each tied to a particular machine or apparatus, namely a “**network**,” over which “chunks of an original e-mail” are sent and/or received. As such, independent claims 1, 4, 8, and 11 are clearly directed to statutory subject matter.

Claims 1, 3-4, 8, and 10-11 are rejected under 35 U.S.C. 103(a) over Ishiguri (U.S. 2002/0004837), hereafter “Ishiguri” and in view of Christenson (U.S. 7,117,246). Claims 3, 6-7, and 10 are rejected under 35 U.S.C. 103(a) over Ishiguri, Christenson, and Grobman et al. (U.S. 2004/0190722), hereafter “Grobman.” These rejections are defective because the references, taken alone or in any combination, fail to disclose or suggest each and every feature set forth in the claims as required by 35 U.S.C. 103.

Regarding independent claim 1 (see also independent claims 4, 8, and 11), Ishiguri, Christenson, and Grobman all fail to disclose, *inter alia*, “said MTA associated with said sender including a message splitting means adapted to divide said original e-mail into a plurality of chunks according to a predetermined algorithm and a predetermined list of a plurality of different relay MTAs to which are forwarded said plurality of chunks, **wherein each of said plurality of chunks is forwarded to a different one of the plurality of different relay MTAs on the predetermined list such that each of said plurality of chunks is transmitted over a different pathway of the data transmission network.**” (Claim 1)(emphasis added). By transmitting each of the plurality of chunks over a different pathway (i.e., via a different relay MTA), the present invention enhances the security of an email transmitted over an unsecured public network. (See, e.g., Applicants’ original specification at page 4).

Accordingly, Applicants submit that independent claims 1, 4, 8, 11, and their corresponding dependent claims are allowable.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner’s analysis, combinations, and modifications of the various references or the motives cited for such combinations and modifications.

These features and the appropriateness of the Examiner's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

/ John A. Merecki /

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